

House Republican Press Release

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Representative Frey Calls For Special Session To Limit Eminent Domain Powers



Legislation Would Address Recent Supreme Court Ruling

Hartford, CT-State Rep. John H. Frey, R-Ridgefield, today echoed the call for a special legislative session this summer to limit the state's eminent domain laws that have been used to seize private property and turn it over to developers, who then profit from economic development projects.

Legislation that would be considered during the special session is needed due to potential problems resulting from the landmark June 23 U.S. Supreme Court ruling in a case involving New London, CT homeowners, said Rep. Frey. The court ruled, 5-4, that the city can seize seven middle-class homes to allow a private developer to build hotel, conference center, offices and upscale housing. In both the majority and minority opinions, it was suggested that legislative bodies could take action to remedy future similar situations.

Rep. Frey, along with more than 35 House Republican legislators, has co-sponsored legislation to introduce in a special session either later this month or in early August when the legislature is mandated to return to the Capitol to take up matters that were vetoed by Governor M. Jodi Rell during the regular legislative session.

"Prior to this Supreme Court decision, it was widely interpreted that government could only take a person's private property for eminent domain if it was to be used for public purposes, such as for a highway, flood control, eliminating blight or municipal building," said Rep. Frey, who serves as an Assistant Minority Leader. "Like many others, I think this was a dreadful decision, made by the narrowest of margins, that can only cause homeowners heartbreak. To think that an entire neighborhood could be eliminated and turned over to private developers to build a hotel and condominiums is outrageous."

The proposed legislation merely deletes from existing statutes six lines that currently permit development agencies from seizing property for economic development. Local and state governments could still exercise eminent domain to deal with truly blighted properties that pose health or safety hazards or for public works projects including schools roads and other infrastructure improvements

On Tuesday, June 28, Rep. Frey voted in favor of a similar proposal that was defeated in a nearly party line vote. That proposal would have banned a municipal development agency from using eminent domain to take single family to four-family residences for private development. The Legislature held a special session that day to complete work related to the 2005-2007 state budget. Democrat Party leaders indicated they would rather wait until the next legislative session begins in February 2006 to address the issue.

“The sanctity of private property is really what is at stake here and I find the idea of waiting until next spring to protect homeowners in Connecticut simply unacceptable,” said Rep. Frey. “Allowing municipalities to take property for projects that benefit private developers sets the stage for mischief. The General Assembly needs to come to an agreement on legislation that will restrict eminent domain uses as quickly as possible.”